

2000 Legislative Summary

for the

Indiana Department of Environmental Management

Please visit the IDEM legislative web site for this legislative summary and other legislative information: <http://www.state.in.us/idem/busleg/>

Table of Contents

	Page
A Guide to Using this Legislative Summary	iii
How to Use the Reference Information Provided in this Summary	iv
All Programs:	1
Criminal Fines for Environmental Offenses (HEA 1343)	1
Technical Corrections (SEA 12)	1
Uniform Electronic Transactions Act (HEA 1395)	1
Air Program:	2
Air Pollution Permitting Exemptions (HEA 1343)	2
Merchant Power Plants (SCR 34)	2
Land Program:	4
Hazardous Waste Manifests and Annual Reports (SEA 511)	4
Manifest Form (SEA 511)	4
Manifest Fee (SEA 511)	4
Annual Reports (SEA 511)	4
Special Waste and Industrial Waste (SEA 372)	5
Industrial Waste (SEA 372)	5
Elimination of Special Waste Category (SEA 372)	6
Off-Site Access to a Spill or Release from an Underground Storage Tank (SEA 262)	7
Additional Power of the Vanderburgh County Solid Waste Management District (HEA 1008)	7
Water Program:	8
Drinking Water Operator Certification (SEA 317)	8
Types of Systems Subject to Operator Certification (SEA 317)	8
Separation of Drinking Water and Wastewater Operator Certification Language (SEA 317)	8
Renewal Requirements for Drinking Water Operator Certifications (SEA 317)	8
Grandfathering Clause (SEA 317)	9

Authority to Suspend Drinking Water and Wastewater Operator Certifications (SEA 317)	9
Directive to Adopt Rules (SEA 317)	9
Combined Sewers and Water Quality Standards (SEA 431)	10
Definitions (SEA 431)	10
Long-Term Control Plan (SEA 431)	10
Temporary Suspension of Designated Uses (SEA 431)	11
Alternate Water Quality Based Effluent Limits in NPDES Permits (SEA 431)	12
Community Notification of Combined Sewer Overflow Events (SEA 431)	13
Guidance (SEA 431)	13
Water Body Designations and Water Quality (SEA 431)	13
Definitions (SEA 431)	13
List of Impaired Water Bodies (SEA 431)	14
Total Maximum Daily Load (SEA 431)	14
Total Maximum Daily Load Working Group (SEA 431)	14
Outstanding State Resource Water Designation (SEA 431)	15
Antidegradation of Outstanding State Resource Waters (SEA 431)	15
Exceptional Use Waters (SEA 431)	16
Outstanding State Resource Water Improvement Fund (SEA 431)	17
Outstanding State Resource Waters in the Great Lakes System (SEA 431)	17
Outstanding National Resource Water Designation (SEA 431)	17
Existing Rule Consistency with SEA 431 (SEA 431)	18
Rulemaking Directive (SEA 431)	18
Quality Assurance Program Plan and Information Management System (SEA 431)	18
Water Data Task Force (SEA 431)	18
Wastewater Treatment Plant Notification to IDEM of a Contaminant (HEA 1343)	19
White River Fish Kill Report (HEA 1343)	19
Notice of a Hearing for the Establishment of Regional Water, Sewage, and Solid Waste Districts (HEA 1248)	20
Indiana Lakes Management Work Group (SEA 46)	20
Public Freshwater Lakes (SEA 44)	21
Water Utility Service Extensions (SEA 490)	21
Resolutions That Were Not Adopted:	23
Economic Analysis and Risk Assessments Regarding Environmental Rules (SCR 16)	23
Renaissance Zones (SR 12)	23
Merchant Power Plants (HCR 81)	23
Regional Water and Sewer Districts Study Committee (HR 102)	24
Review of Lake Management Programs (SCR 9 and SCR 26)	24
Appendices:	
Table of 2000 Legislation that Affects IDEM (by Enrolled Act Number)	25
Outline of Technical Corrections in SEA 12 that Affect IDEM	30
How to Properly Reference State Legislation	31
How to Find the Most Current Version of a Law in the Indiana Code	32
The Indiana Code (IC) Citation Scheme	33

A Guide To Using This Legislative Summary

How this Summary Should Be Used:

The “2000 Legislative Summary for the Indiana Department of Environmental Management” highlights the main points of legislation from the 2000 session of the Indiana General Assembly. The summary focuses only on those topics that directly affect IDEM activities or is information that may be of interest.

The summary is organized by topic according to programs. Please note that several topics may affect more than one program, but are listed only in the program that is most affected.

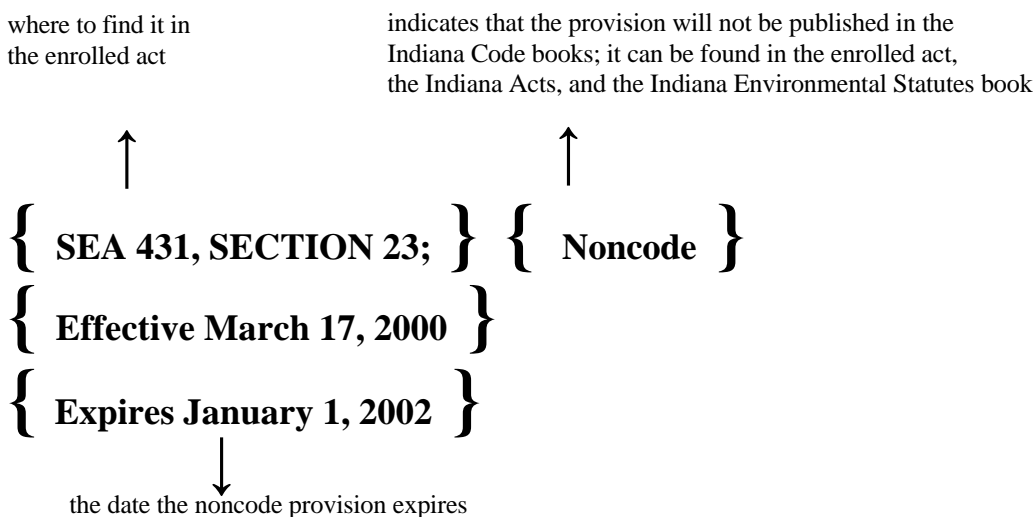
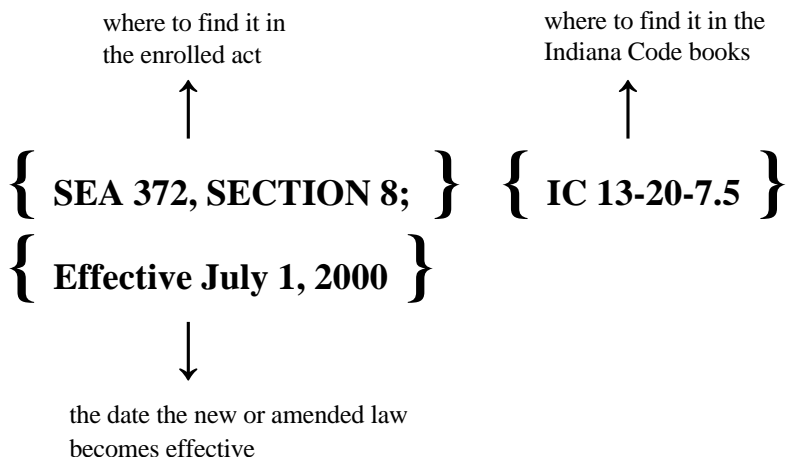
This summary is provided as a reference guide. It highlights the main points of each topic and directs you to the location of the exact language in the enrolled act. Please note that the summary for each topic is not exhaustive. It should not take the place of looking at the actual language in the act. It is recommended that you use the summary only as an initial reference, then refer to the actual act for the exact wording and context.

Acronyms Used in This Summary:

CFR	Code of Federal Regulations
HCR	House Concurrent Resolution
HEA	House Enrolled Act
HR	House Resolution
IAC	Indiana Administrative Code
IC	Indiana Code
IDEM	Indiana Department of Environmental Management
IDNR	Indiana Department of Natural Resources
IGA	Indiana General Assembly
INDOT	Indiana Department of Transportation
LSA	Legislative Services Agency
SCR	Senate Concurrent Resolution
SEA	Senate Enrolled Act
SR	Senate Resolution
TMDL	Total Maximum Daily Load
U.S. EPA	United States Environmental Protection Agency

How to Use the Reference Information Provided in this Summary

A reference is provided for each entry in the summary and is typed in italics. The reference information will vary in appearance as follows:



ALL PROGRAMS:

CRIMINAL FINES FOR ENVIRONMENTAL OFFENSES

HEA 1343, SECTION 4; Amends IC 13-30-6-1

Effective July 1, 2000

- For a person who is convicted of a Class D felony for intentionally, knowingly, or recklessly violating certain environmental laws, rules or standards, or a determination, a permit or an order issued by the commissioner of IDEM, in addition to the term of imprisonment, the fines that a person may be punished by are doubled to:
 - 1) not less than \$5,000, and not more than \$50,000 per day of violation; and
 - 2) not more than \$100,000 per day of violation if the conviction is for a violation committed after a first conviction.

HEA 1343, SECTION 5; Amends IC 13-30-6-3

Effective July 1, 2000

- For a person who is convicted of a Class D felony for knowingly: transporting any hazardous waste to a facility that does not have an operation permit or approval to accept the waste; disposing, treating, or storing any hazardous waste without having obtained a permit for the waste; or making a false statement or representation in an application, a label, a manifest, a record, a report, a permit, or other document filed, maintained, or used under environmental management laws with regard to hazardous waste, in addition to the term of imprisonment, the fines that a person may be punished by are doubled to:
 - 1) not more than \$50,000 per day of violation; and
 - 2) not more than \$100,000 per day of violation if the conviction is for a violation committed after a first conviction.
- A minimum fine is established of not less than \$2,500 per day of hazardous waste violation described above.

TECHNICAL CORRECTIONS

SEA 12

SECTION 34; Amends IC 13-11-2-116 Definition of "landfill"

SECTION 35; Amends IC 13-11-2-177.3 Definition of "public water system"

SECTION 36; Amends IC 13-15-7-1 Revocation or modification of permits

SECTION 37; Amends IC 13-19-3-7 Foundry sand

SECTION 85; Amends IC 36-9-3-5 Lake County Transportation Authority

SECTION 86; Amends IC 36-9-3-12.5 Lake County Transportation Authority Citizens Advisory Council

SECTION 89; Amends P.L. 224-1999, SEC. 21. Clean Manufacturing Technology and Safe Materials Institute

Effective March 15, 2000

- Refer to the "Outline of Technical Corrections in SEA 12 That Affect IDEM" on page 30 of this summary.

UNIFORM ELECTRONIC TRANSACTIONS ACT

HEA 1395; SECTION 1; Adds IC 26-2-8

Effective July 1, 2000

- Procedures for conducting electronic transactions of electronic records and electronic signatures are provided.
- Governmental agencies are allowed to establish procedures for conducting electronic transactions.
- These provisions apply to an electronic record or electronic signature created, generated, sent, communicated, received, or stored after June 30, 2000.

AIR PROGRAM:

AIR POLLUTION PERMITTING EXEMPTIONS

HEA 1343, SECTION 7; Noncode

Effective March 16, 2000

- 326 IAC 2-1.1-3(b) is void.

326 IAC 2-1.1-3(b): “Construction or modification of any emission unit, operation, or process identified in this section is exempt from the requirement to obtain a registration, permit, modification approval, or permit revision required under this article unless the potential to emit any regulated pollutant from the construction or modification exceeds an emission threshold establishing the requirement to have a registration, permit, modification approval, or permit revision under this article.”

HEA 1343, SECTION 8; Noncode

Effective March 16, 2000

- Where a rule of the Air Pollution Control Board lists emission units, operations, or processes of which construction or modification are exempt from the requirement to obtain a registration, permit, modification approval, or permit revision, the Air Pollution Control Board may not condition such exemption on whether the potential to emit any regulated pollutant from the construction or modification exceeds an emission threshold establishing the requirement to obtain a registration, permit, modification approval, or permit revision under 326 IAC 2.
- This does not apply to construction or modification:
 - 1) subject to federal prevention of significant deterioration requirements;
 - 2) subject to nonattainment new source review requirements;
 - 3) at a source that has an operation permit where the construction or modification would be considered a Title I modification; or
 - 4) that would result in the source needing to make a transition to an operating permit.

HEA 1343, SECTION 9; Noncode

Effective March 16, 2000

Expires on the earlier of January 1, 2002, or the effective date of the rule amendment.

- Before January 1, 2002, the Air Pollution Control Board is required to amend 326 IAC 2-1.1-3 to reflect the voiding of 326 IAC 2-1.1-3(b).

MERCHANT POWER PLANTS

Senate Concurrent Resolution (SCR) 34; Adopted

(Note that HCR 81, also on Merchant Power Plants, was not adopted. Please see page 23 of this summary for more information.)

- The Legislative Council is urged to require the Regulatory Flexibility Committee to study the topic of merchant power plants. The Regulatory Flexibility Committee shall study the following issues related to merchant power plants:
 - 1) Local zoning.
 - 2) Regulation by the Indiana Utility Regulatory Commission and other state agencies, including certificates of need.
 - 3) Public input into siting of merchant power plants.
 - 4) Environmental impact issues.
 - 5) Tax abatement and other tax issues.

- 6) The need for additional electrical capacity.
 - 7) How the establishment of merchant power plants affects utility rates.
 - 8) How the establishment of merchant power plants affects community cohesion and quality of life.
 - 9) Any public health issues or concerns resulting from the establishment of merchant power plants.
 - 10) Any other issues the committee considers relevant to the establishment of merchant power plants.
- The Regulatory Flexibility Committee shall issue a final report containing its findings or recommendations to the Legislative Council not later than November 1, 2000.

LAND PROGRAM:

HAZARDOUS WASTE MANIFESTS AND ANNUAL REPORTS

Manifest Form

SEA 511, SECTION 3; Amends IC 13-22-4-1

Effective January 1, 2001

- Generators are directed to use the federal, rather than the state, hazardous waste manifest form, and to enter the waste codes on the form.

SEA 511, SECTION 4; Amends IC 13-22-4-2

SEA 511, SECTION 6; Amends IC 13-22-5-6

SEA 511, SECTION 7; Amends IC 13-22-5-7

Effective January 1, 2001

- Language references to the state hazardous waste manifest and the submittal of a copy of a hazardous waste manifest to IDEM are removed. *(Please note that generators, transporters, and treatment, storage, and disposal facilities are still required to retain a copy of each manifest on-site for a 3-year period.)*

SEA 511, SECTION 8; Repealers

Effective January 1, 2001

- IC 13-22-4-3 on sending a copy of each manifest form to IDEM is repealed.
- IC 13-22-4-4 on manifests received by IDEM are a public record is repealed.

Manifest Fee

SEA 511, SECTION 8; Repealers

Effective January 1, 2001

- IC 13-22-4-5 on adoption of rules and directing the revenue from manifest fee to be deposited into the Environmental Management Special Fund is repealed.
- IC 13-22-12-4 on the \$8 per hazardous waste manifest fee is repealed.

SEA 511, SECTION 2; Amends IC 13-14-12-1

Effective January 1, 2001

- The language directing the hazardous waste manifest fee to be deposited into the Environmental Management Special Fund is removed. *(Note that the revenue generated from the \$8 per hazardous waste manifest fee was deposited into the Environmental Management Permit Operation Fund as directed by IC 13-22-12-13 and IC 13-15-11-3, which supersede IC 13-14-12-1 and IC 13-22-4-5.)*

Annual Reports

SEA 511, SECTION 5; Adds IC 13-22-4-3.1

Effective January 1, 2002

- A person that:
 - 1) in any one or more calendar months of a calendar year generates:
 - A) more than 100 kilograms but less than 1,000 kilograms of hazardous waste;
 - B) less than 1 kilogram of acute hazardous waste; or
 - C) less than 100 kilograms of material from the cleanup spillage of acute hazardous waste; or
 - 2) accumulates at least 1,000 kilograms of hazardous waste or less than 1 kilogram of acute hazardous waste;

is required to submit a report to IDEM, before March 1 of each year, containing no more than a compilation of information from the federal manifest form that summarizes the person's hazardous waste shipments during the previous calendar year.

- A person that:
 - 1) in any one or more calendar months of a calendar year generates:
 - A) more than 1,000 kilograms of hazardous waste;
 - B) at least 1 kilogram of acute hazardous waste; or
 - C) at least 100 kilograms of material from the cleanup spillage of acute hazardous waste;
 - 2) accumulates at least 6,000 kilograms of hazardous waste or at least 1 kilogram of acute hazardous waste; or
 - 3) is a treatment, storage, or disposal facility;is required to submit to IDEM, before March 1 of each year, either the biennial report that is required by the U.S. EPA concerning the person's waste activities during the previous calendar year, or an annual report, containing no more than a compilation of information from the federal manifest form that summarizes the person's hazardous waste shipments during the previous calendar year.
- The first report must be submitted to IDEM before March 1, 2002.

SEA 511, SECTION 1; Adds IC 13-11-2-1.5

SEA 511, SECTION 5; Adds IC 13-22-4-3.1(a)

Effective January 1, 2002

- “Acute hazardous waste” is defined.

SPECIAL WASTE AND INDUSTRIAL WASTE

Industrial Waste

SEA 372, SECTION 1; Adds IC 13-11-2-109.5

Effective July 1, 2000

- “Industrial waste” is defined.

SEA 372, SECTION 8; Adds IC 13-20-7.5

Effective July 1, 2000

- An industrial waste may be disposed of only at a solid waste landfill cell or unit that meets or exceeds Subtitle D design standards or in a waste-to-energy facility in accordance with the facility operating permit. There are two exceptions to this requirement:
 - 1) IDEM may issue a permit to a solid waste landfill that does not meet or exceed the Subtitle D design standards for the disposal of industrial waste.
 - 2) A generator of industrial waste that generates not more than 220 pounds of industrial waste per month:
 - A) is not subject to the notification, landfill, or transfer station requirements of sections 4, 5, and 6 of IC 13-20-7.5; and
 - B) may dispose of the industrial waste in a state permitted landfill or state permitted waste-to-energy facility.
- A generator of industrial waste must perform a waste determination.
- Before a generator first disposes of industrial waste, the person must provide the solid waste landfill with notification from the generator that states that the industrial waste is not hazardous waste, and identify any special handling requirements.
- An industrial waste that was certified as a special waste may continue to be disposed of at a solid waste landfill that does not meet or exceed the Subtitle D design standards until the

earlier of the date of expiration of the certification, or July 1, 2001.

- A solid waste landfill may not accept hazardous waste unless the solid waste landfill is authorized to accept hazardous waste.
- A transfer station may not accept industrial waste unless the transfer station is permitted by IDEM to accept industrial waste.

SEA 372, SECTION 3; Amends IC 13-11-2-208

SEA 372, SECTION 4; Amends IC 13-11-2-253

Effective July 1, 2000

- The definitions of “solid waste landfill” and “waste-to-energy facility” apply to the chapter on industrial waste.

Elimination of Special Waste Category

SEA 372, SECTION 2; Amends IC 13-11-2-133

SEA 372, SECTION 6; Amends IC 13-20-1-1

SEA 372, SECTION 7; Amends IC 13-20-4-8

Effective July 1, 2000

- The term “special waste” is replaced with “industrial waste”.

SEA 372, SECTION 9; Amends IC 13-20-21-6

Effective July 1, 2000

- The term “special” is replaced with “industrial” in regards to the \$0.10 per ton waste disposal fee.

SEA 372, SECTION 11; Repealers

Effective July 1, 2000

- The chapter on “special waste”, IC 13-20-7, is repealed.
- The definitions of “special waste”, IC 13-11-2-215 and IC 13-11-2-215.1, are repealed.
- The language on the \$250 special waste certification fee, IC 13-20-21-5, is repealed.

SEA 372, SECTION 5; Amends IC 13-15-4-1

Effective July 1, 2000

- The language that requires IDEM to issue a decision on an application concerning the certification of a special waste within 50 days is removed.

SEA 372, SECTION 10; Noncode

Effective July 1, 2000

Expires January 1, 2002

- The Solid Waste Management Board is required to adopt rules before July 1, 2001, to reflect the elimination of references to “special waste” and the addition of references to “industrial waste”.

OFF-SITE ACCESS TO A SPILL OR RELEASE FROM AN UNDERGROUND STORAGE TANK

SEA 262, SECTION 1; Noncode

Effective March 17, 2000

Expires January 1, 2001

- Before September 1, 2000, IDEM must develop a nonrule policy document to address the circumstances in which a spill or a release from an underground storage tank may have migrated to real property that is owned or operated by a person or entity that does not own or operate the site where the underground storage tank is located.
- The nonrule policy document must address the following:
 - 1) Guidance for addressing the need for a responsible party to undertake a reasonable, good faith effort to obtain access to off-site property impacted by a petroleum release or spill.
 - 2) Guidance for addressing when IDEM may issue an order granting a responsible party off-site access, and IDEM's subsequent exercising of its discretion in pursuing an enforcement action against a responsible party for failing to determine the extent of off-site contamination.
 - 3) Guidance for addressing when IDEM and its Underground Petroleum Storage Tank Excess Liability Trust Fund (a.k.a. Excess Liability Fund or ELF) may approve for reimbursement under that fund the costs of a responsible party's investigation and remediation efforts, including an initial site characterization and corrective action plan, when off-site contamination has not been fully delineated because of lack of off-site access.
- IDEM is directed to work with interested stakeholders in developing the nonrule policy document and keep the Environmental Quality Service Council apprised of its efforts to develop the nonrule policy document.

ADDITIONAL POWER OF THE VANDERBURGH COUNTY SOLID WASTE MANAGEMENT DISTRICT

HEA 1008, SECTION 6; Adds IC 13-21-3-12.2

Effective July 1, 2000

- The Vanderburgh County Solid Waste Management District is granted the additional power to make grants or loans of money, property, or services to a public or private program to plant or maintain trees in an area of the district that is a right-of-way, public property, or vacant property.

WATER PROGRAM:

DRINKING WATER OPERATOR CERTIFICATION

Types of Systems Subject to Operator Certification

SEA 317, SECTION 2; Amends IC 13-18-11-1

Effective September 1, 2000

- Operators of a community water system (examples: a municipality or a large mobile home park) or a nontransient noncommunity water system (examples: a factory, office building, school, or church) are required to be certified by IDEM.
- Operators of transient noncommunity water systems (examples: rest areas, truck stops, and restaurants) are still exempt from the operator certification requirements.

SEA 317, SECTION 1; Adds IC 13-11-2-237.5

SEA 317, SECTION 2; Amends IC 13-18-11-1

Effective September 1, 2000

- “Transient noncommunity water system” is defined.

Separation of Drinking Water and Wastewater Operator Certification Language

SEA 317, SECTION 4; Amends IC 13-18-11-6

SEA 317, SECTION 6; Amends IC 13-18-11-7

SEA 317, SECTION 7; Adds IC 13-18-11-7.5

SEA 317, SECTION 9; Amends IC 13-18-11-10

Effective September 1, 2000

- The language on drinking water operator certifications is separated-out from wastewater operator certifications.

Renewal Requirements for Drinking Water Operator Certifications

SEA 317, SECTION 5; Adds IC 13-18-11-6.5

Effective September 1, 2000

- The number of years that a certificate is renewed for a water treatment plant operator or a water distribution system operator is extended from 2 years to 3 years.
- The renewal fee remains at \$30.
- Continuing education requirements must be met in order to receive a renewal certificate.
- The grace period for a certificate renewal, without re-examination, is reduced from 3 years to 1 year after the date the certificate expires.

SEA 317, SECTION 11; Noncode

Effective September 1, 2000

Expires September 1, 2003

- A certificate that is issued to a water treatment plant operator or water distribution system operator under IC 13-18-11 before September 1, 2000, must, to remain in effect, be renewed not later than 2 years after it was issued.
- A certificate of a water treatment plant operator or water distribution system operator that is renewed under IC 13-18-11 before September 1, 2000, is renewed for a 2-year period.
- A certificate of a water treatment plant operator or water distribution system operator that is issued after August 31, 2000, is subject to the triennial certificate renewal requirements.
- A certificate of a water treatment plant operator or water distribution system operator that is renewed after August 31, 2000, is renewed for a 3-year period.

Grandfathering Clause

SEA 317, SECTION 10; Adds IC 13-18-11-10.5

Effective September 1, 2000

- The commissioner may issue a certificate to a person if all of the following conditions are met:
 - 1) The person is an operator in responsible charge of a water treatment plant or water distribution system that was:
 - A) in operation before September 2, 2000; and
 - B) required to have a certified operator for the first time under rules adopted in accordance with guidelines published by the U.S. EPA in the Federal Register at 64 FR 5916 et seq.
 - 2) The owner of the water treatment plant or water distribution system applies for a certificate for the operator in responsible charge before September 1, 2002.
 - 3) The certificate issued by the commissioner is site specific and may not be transferred to another operator.
 - 4) The certificate will become invalid if the classification of the water treatment plant or water distribution system for which the certificate was issued changes to a higher level.
- A person certified under the conditions above must meet all requirements for certification renewal that apply to the classification of the water treatment plant or water distribution system to renew the certificate.
- A person certified under the conditions above who commences work for a different water treatment plant or water distribution system must meet the initial certification requirements for the plant or system.
- A water treatment plant or water distribution system that meets the conditions of IC 13-18-11-10.5(a)(1) may continue to operate if the water treatment plant or water distribution system applies to the commissioner for certification of the operator in responsible charge of the water treatment plant or water distribution system.

Authority to Suspend Drinking Water and Wastewater Operator Certifications

SEA 317, SECTION 8; Amends IC 13-18-11-8

Effective September 1, 2000

- The commissioner of IDEM is given the authority to suspend the certificate of an operator of a water treatment plant, water distribution system, or wastewater treatment plant, in addition to the existing authority to revoke the certificate of an operator.

Directive to Adopt Rules

SEA 317, SECTION 3; Adds IC 13-18-11-1.5

Effective September 1, 2000

- The Water Pollution Control Board is required to adopt regulations to implement certification programs for operators of water treatment plants or water distribution systems. The certification program must be classified in accordance with the complexity, size, and source of the water for the water treatment system, and the complexity and size for the water distribution system.

COMBINED SEWERS AND WATER QUALITY STANDARDS

Definitions

SEA 431, SECTION 1; Adds IC 13-11-2-31.3

Effective March 17, 2000

- “Combined sewage” is defined.

SEA 431, SECTION 2; Adds IC 13-11-2-31.4

Effective March 17, 2000

- “Combined sewer” is defined.

SEA 431, SECTION 3; Adds IC 13-11-2-31.5

Effective March 17, 2000

- “Combined sewer operational plan” is defined.

SEA 431, SECTION 4; Adds IC 13-11-2-31.6

Effective March 17, 2000

- “Combined sewer system” is defined.

SEA 431, SECTION 5; Adds IC 13-11-2-43.5

Effective March 17, 2000

- “Control alternative” is defined.

SEA 431, SECTION 8; Adds IC 13-11-2-85.7

Effective March 17, 2000

- “First flush” is defined.

SEA 431, SECTION 9; Adds IC 13-11-2-113.5

Effective March 17, 2000

- “Knee of the curve” is defined.

SEA 431, SECTION 10; Adds IC 13-11-2-120.5

Effective March 17, 2000

- “Long term control plan” is defined.

SEA 431, SECTION 13; Adds IC 13-11-2-242.5

Effective March 17, 2000

- “Use attainability analysis” is defined.

SEA 431, SECTION 15; Adds IC 13-11-2-265.3

Effective March 17, 2000

- “Wet weather event” is defined.

Long-Term Control Plan

SEA 431, SECTION 18; Adds IC 13-18-3-2.3

Effective March 17, 2000

- A long term control plan, upon implementation, fulfills the water quality goals of the state with respect to wet weather discharges that are a result of overflows from the combined sewer system addressed by the plan if:
 - 1) the plan provides for the implementation of cost effective control alternatives that will attain water quality standards, or maximize the extent to which water quality standards

- will be attained if they are not otherwise attainable;
- 2) the plan provides, at a minimum, for the capture for treatment of first flush;
- 3) the plan is reviewed periodically; and
- 4) additional controls are implemented.
- Cost effectiveness may be determined, at the option of the permit holder, by using a knee of the curve analysis.
- When a use attainability analysis is required for a suspension of designated uses, IDEM must, to the maximum extent permitted under state or federal law:
 - 1) review a use attainability analysis concurrently with a long term control plan; and
 - 2) use the approved long term control plan to satisfy the requirements of the use attainability analysis.

SEA 431, SECTION 19; Adds IC 13-18-3-2.4

Effective March 17, 2000

- A permit holder shall review the feasibility of implementing additional or new control alternatives to attain water quality standards, including standards suspended. The permit holder shall conduct such a review periodically, but not less than every 5 years after approval of the long term control plan by IDEM. The permit holder shall:
 - 1) document to IDEM that the long term control plan has been reviewed;
 - 2) update the long term control plan as necessary;
 - 3) submit any amendments to the long term control plan to IDEM for approval; and
 - 4) implement control alternatives determined to be cost effective.
- Cost effectiveness may be determined, at the option of the permit holder, by using a knee of the curve analysis.

Temporary Suspension of Designated Uses

SEA 431, SECTION 20; Adds IC 13-18-3-2.5

Effective March 17, 2000

- Designated uses and associated water quality criteria are temporarily suspended on a site specific basis for waters affected by discharges from combined sewer overflow points listed in the National Pollutant Discharge Elimination System (NPDES) permit due to wet weather events, if:
 - 1) IDEM has approved a long term control plan for the NPDES permit holder for the combined sewer system;
 - 2) the approved long term control plan is incorporated into the permit holder's NPDES permit;
 - 3) the approved long term control plan:
 - A) satisfies the requirements of IC 13-18-3-2.3; and
 - B) specifies the designated uses and water quality standards to be suspended;
 - 4) the permit holder has implemented the approved long term control plan, or is implementing the approved long term control plan in accordance with the schedule approved in the long term control plan;
 - 5) the permit holder is in compliance with the requirements for the operation and maintenance of its wastewater treatment facilities and combined sewer system, including its combined sewer operational plan approved by IDEM; and
 - 6) the provisions of 40 CFR 131.10, 40 CFR 131.20, and 40 CFR 131.21 are satisfied. The provisions of 40 CFR 131.10 may be satisfied by including appropriate data and

- information in the long term control plan.
- Existing uses and associated water quality criteria may be suspended only in accordance with federal law.
- To the extent permitted under federal law, IDEM shall provide a compliance schedule for attainment of water quality based limitations for discharges from combined sewer overflow points in the NPDES permit during the period when the long term control plan is being developed.
- A temporary suspension applies only:
 - 1) to the NPDES permit holder for discharges from the permit holder's listed combined sewer overflow points; and
 - 2) during the time and to the physical extent that the designated uses and water quality standards are not attained due to the discharges from the listed combined sewer overflow points, but no more than 4 days after the date the overflow discharge ends.
- The Water Pollution Control Board is given the authority to adopt rules to amend the water quality standards to include the terms of the temporary suspension.
- The permit holder shall monitor its discharges and the water quality in the affected receiving stream periodically, but at least every 3 years. The permit holder shall provide all such information to IDEM.
- In conjunction with a review of its long term control plan, the permit holder shall review information generated after the use attainability analysis was approved by IDEM to determine whether the conclusion of the use attainability analysis is still valid. The permit holder shall provide the results of the review to IDEM.
- A temporary suspension may be authorized only to the extent allowed under federal law. If IDEM determines that information provided demonstrates that uses being suspended are attainable, IDEM shall promptly notify the permit holder of its determination. A permit holder may appeal IDEM's determination in accordance with IC 4-21.5.
- After the effective date of the determination, the long term control plan may be modified to achieve attainment of the previously suspended uses and associated water quality criteria. The compliance schedule and other provisions of the NPDES permit shall also be modified as necessary.

Alternate Water Quality Based Effluent Limits in NPDES Permits

SEA 431, SECTION 22; Adds IC 13-18-19-2

Effective March 17, 2000

- IDEM may issue NPDES permits containing conditions that include alternate water quality based effluent limits that:
 - 1) are based on receiving water flows associated with, or characteristic of:
 - A) wet weather events of various degrees of duration and intensity; or
 - B) low flow stream conditions derived on a monthly, quarterly, or annual basis;
 - 2) provide increased mass limitations, concentration limitations, or mass and concentration limitations, for publicly owned treatment works (POTW) that:
 - A) are capable of treating wastewater flows that exceed the design flow used to calculate normal water quality based effluent limitations; and
 - B) as a result of the increased limitations, can reduce the volume of discharge of wastewater from plant bypasses or combined sewer overflows; or
 - 3) include any factor or combination of factors described in "1)" and "2)" above.
- IDEM may require an applicant for an NPDES permit containing at least one of the conditions

described above to document stream conditions and local controls that are germane to a condition described above before IDEM issues the NPDES permit.

Community Notification of Combined Sewer Overflow Events

SEA 431, SECTION 23; Noncode

Effective March 17, 2000

Expires January 1, 2002

- The Water Pollution Control Board must adopt a rule before September 1, 2001, establishing requirements for community notification by NPDES permit holders of the potential health impact of combined sewer overflows whenever information from any reliable source indicates that: 1) a discharge or discharges from one or more combined sewer overflow points is occurring; or 2) there is a reasonable likelihood that a discharge or discharges from one or more combined sewer overflow points will occur within the next 24 hours.

Guidance

SEA 431, SECTION 24; Noncode

Effective March 17, 2000

Expires January 1, 2001

- Before October 1, 2000, IDEM must provide guidance to all combined sewer overflow communities explaining the requirement of the use attainability analysis and the long term control plan to aid communities in determining how to comply with the requirements. This guidance must clearly identify all of the appropriate data and information required by IDEM for a permit holder's long term control plan that will also satisfy the requirements of a use attainability analysis. The guidance must include information regarding minimization of industrial discharges in wet weather events.
- IDEM must report on the progress of the guidance to the Environmental Quality Service Council at each meeting of the council.

WATER BODY DESIGNATIONS AND WATER QUALITY

Definitions

SEA 431, SECTION 6; Adds IC 13-11-2-50.5

Effective March 17, 2000

SEA 431, SECTION 17, Adds IC 13-18-3-2(b)

Effective July 1, 2000

- “Degradation” is defined.

SEA 431, SECTION 7; Adds IC 13-11-2-72.5

Effective March 17, 2000

SEA 431, SECTION 17, Adds IC 13-18-3-2(c)

Effective July 1, 2000

- “Exceptional use water” is defined.

SEA 431, SECTION 11; Adds IC 13-11-2-149.5

Effective March 17, 2000

SEA 431, SECTION 17, Adds IC 13-18-3-2(d)

Effective July 1, 2000

- “Outstanding national resource water” is defined.

SEA 431, SECTION 12; Adds IC 13-11-2-149.6

Effective March 17, 2000

SEA 431, SECTION 17, Adds IC 13-18-3-2(e)

Effective July 1, 2000

- “Outstanding state resource water” is defined.

SEA 431, SECTION 14; Adds IC 13-11-2-265.5

Effective March 17, 2000

SEA 431, SECTION 17, Adds IC 13-18-3-2(f)

Effective July 1, 2000

- “Watershed” is defined.

List of Impaired Water Bodies

SEA 431, SECTION 16; Adds IC 13-18-2-3

Effective March 17, 2000

- IDEM is required to prepare a list of impaired waters for the purpose of complying with Section 303(d) of the federal Clean Water Act.
- In determining whether a water body is impaired, IDEM shall consider all existing and readily available water quality data and related information.
- Before submitting the list to the U.S. EPA, IDEM must:
 - 1) publish the list in the Indiana Register;
 - 2) make the list available for public comment for at least 90 days; and
 - 3) present the list to the Water Pollution Control Board.
- If the U.S. EPA changes the list, the Water Pollution Control Board shall publish the changes in the Indiana Register and conduct a public hearing within 90 days after receipt of the changes.
- The Water Pollution Control Board shall adopt by rule, the methodology to be used in identifying waters as impaired. The rule must specify the methodology and criteria for including and removing waters from the list of impaired waters.

Total Maximum Daily Load

SEA 431, SECTION 28 subsection (b); Noncode

Effective March 17, 2000

Expires October 1, 2003

- Before October 1, 2003, the Water Pollution Control Board must establish policies and rules to govern the implementation of total maximum daily load requirements of Section 303(d) of the Clean Water Act.

Total Maximum Daily Load Working Group

SEA 431, SECTION 28 subsections (c) and (d); Noncode

Effective March 17, 2000

Expires October 1, 2003

- Before July 1, 2000, IDEM must appoint a working group of stakeholders with respect to the implementation of total maximum daily load requirements. The working group shall consider and make recommendations to IDEM and the Water Pollution Control Board on identification of issues, the development of policy options, policy adoption, and rulemaking.
- The working group must include representatives from the general public, municipalities, industry, business, agriculture, environmental advocacy groups, and others with a high level of expertise in the subject area to be considered by the working group. The working group must

also include a representative of the Environmental Quality Service Council, a technical secretary, and a member of the Water Pollution Control Board.

Outstanding State Resource Water Designation

SEA 431, SECTION 17; Adds IC 13-18-3-2 subsections (g) through (k)

Effective July 1, 2000

- The Water Pollution Control Board may designate, by rule, a water body as an outstanding state resource water if the board determines that the water body has a unique or special ecological, recreational, or aesthetic significance.
- Before the Water Pollution Control Board may adopt a rule designating a water body as an outstanding state resource water, the board must consider the following:
 - 1) Economic impact analyses, presented by any interested party, taking into account future population and economic development growth.
 - 2) The biological criteria scores for the water body, using factors that consider fish communities, macro invertebrate communities, and chemical quality criteria using representative biological data from the water body under consideration.
 - 3) The level of current urban and agricultural development in the watershed.
 - 4) Whether the designation of the water body as an outstanding state resource water will have a significant adverse effect on future population, development, and economic growth in the watershed, if the water body is in a watershed that has more than 3% of its land in urban land uses or serves a municipality with a population greater than 5,000.
 - 5) Whether the designation of the water body as an outstanding state resource water is necessary to protect the unique or special ecological, recreational, or aesthetic significance of the water body.
- The Water Pollution Control Board must make available to the public a written summary of the information considered by the board, including the board's conclusions concerning that information before the board may adopt a rule designating a water body as an outstanding state resource water.
- The commissioner of IDEM must present a summary of the comments received from the comment period and information that supports a water body designation as an outstanding state resource water to the Environmental Quality Service Council not later than 120 days after the rule regarding the designation is finally adopted by the Water Pollution Control Board.
- Notwithstanding any other provision of IC 13-18-3-2, the designation of an outstanding state resource water in effect on January 1, 2000, remains in effect.

Antidegradation of Outstanding State Resource Waters

SEA 431, SECTION 17; Adds IC 13-18-3-2 subsections (l) through (n)

Effective July 1, 2000

- For a water body designated as an outstanding state resource water, the Water Pollution Control Board must provide, by rule, procedures that will prevent degradation, and allow for increases and additions in pollutant loadings from an existing or new discharge if:
 - 1) there will be an overall improvement in water quality for the outstanding state resource water; and
 - 2) the applicable requirements of 327 IAC 2-1-2(1) and 327 IAC 2-1-2(2) and 327 IAC 2-1.5-4(a) and 327 IAC 2-1.5-4(b) are met.
- The procedures provided by rule must include the following:
 - 1) A definition of significant lowering of water quality that includes a de minimis quantity of

additional pollutant load:

- A) for which a new or increased permit limit is required; and
 - B) below which antidegradation implementation procedures do not apply.
- 2) Provisions allowing the permittee to choose application of one of the following for each activity undertaken by the permittee that will result in a significant lowering of water quality in the outstanding state resource water or exceptional use water:
- A) Implementation of a water quality project in the watershed of the outstanding state resource water or the exceptional use water that will result in an overall improvement of the water quality of the outstanding state resource water or the exceptional use water.
 - B) Payment of a fee, not to exceed \$500,000, based on the type and quantity of increased pollutant loadings, to IDEM for deposit in the Outstanding State Resource Water Improvement Fund.
- 3) Criteria for the submission and timely approval of projects described in IC 13-18-3-2(m)(2)(A).
- 4) A process for public input in the approval process.
- 5) Use of water quality data that is less than 7 years old and specific to the outstanding state resource water.
- 6) Criteria for using the watershed improvement fees to fund projects in the watershed that result in improvement in water quality in the outstanding state resource water or exceptional use water.
- For a water body designated as an outstanding state resource water after June 30, 2000, the Water Pollution Control Board shall provide by rule, antidegradation implementation procedures before the water body is designated.

SEA 431, SECTION 25 subsection (c); Noncode

Effective March 17, 2000

Expires on the earlier of January 1, 2001 or the effective date of the rule amendments adopted by the Water Pollution Control Board

- All waters designated as outstanding state resource waters under 327 IAC 2-1-2(3) and waters designated as exceptional use waters under 327 IAC 2-1-6(i) shall be maintained and protected in accordance with 327 IAC 2-1-2(1) and 327 IAC 2-1-2(2). If a permittee seeks a new or increased discharge for which a new or increased permit limit is required, and that amounts to a significant lowering of water quality, the permittee shall demonstrate an overall improvement in water quality in the outstanding state resource water or exceptional use water, subject to the approval of IDEM and IC 13-18-3-2 (m)(2)(A) and IC 13-18-3-2 (m)(2)(B).

Exceptional Use Waters

SEA 431, SECTION 27; Noncode

Effective March 17, 2000

Expires January 1, 2003

- Until October 1, 2002, the following apply to a water body that is designated as an exceptional use water before October 1, 2002 :
 - 1) The water body is subject to the overall water quality improvement provisions of IC 13-18-3-2(l).
 - 2) The water body is not subject to a standard of having its water quality maintained and protected without degradation consistent with the provisions of this act.
- Before October 1, 2002, the Water Pollution Control Board must:

- 1) (effective October 1, 2002) determine whether to designate as an outstanding state resource water, each water designated (before October 1, 2002) as an exceptional use water under 327 IAC 2-1-11; and
- 2) complete a rulemaking to make any designation of an exceptional use water as an outstanding state resource water.

Outstanding State Resource Water Improvement Fund

SEA 431, SECTION 21; Adds IC 13-18-3-14

Effective March 17, 2000

- The Outstanding State Resource Water Improvement Fund is established. The fund may be used by IDEM to fund projects that will lead to overall improvement to the water quality of the affected exceptional use water or outstanding state resource water.
- Money in the fund is from the payment of a fee, paid by a permittee, not to exceed \$500,000, based on the type and quantity of increased pollutant loadings for each activity undertaken by the permittee that will result in a significant lowering of water quality in the outstanding state resource water or exceptional use water.

Outstanding State Resource Waters in the Great Lakes System

SEA 431, SECTION 25 subsection (b); Noncode

Effective March 17, 2000

Expires on the earlier of January 1, 2001 or the effective date of the rule amendments adopted by the Water Pollution Control Board

- All waters designated as outstanding state resource waters within the Great Lakes system shall be maintained and protected in their present quality in accordance with the antidegradation implementation procedures for the outstanding state resource waters established by the Water Pollution Control Board. The Water Pollution Control Board retains the authority to amend 327 IAC 5-2-11.7 (interim antidegradation procedures for waters in the Great Lakes system designated as an outstanding state resource water). Any rule adopted by the Water Pollution Control Board contrary to this standard is void.

Outstanding National Resource Water Designation

SEA 431, SECTION 17; Adds IC 13-18-3-2 subsections (o) and (p)

Effective July 1, 2000

- A water body may be designated as an outstanding national resource water only by the Indiana General Assembly after recommendations for designation are made by the Water Pollution Control Board and the Environmental Quality Service Council.
- Before recommending the designation of an outstanding national resource water, IDEM must provide for an adequate public notice and comment period regarding the designation. The commissioner of IDEM must present a summary of the comments and information received during the comment period and IDEM's recommendation concerning designation to the Environmental Quality Service Council not later than 90 days after the end of the comment period. The council shall consider the comments, information, and recommendation received from IDEM, and shall convey its recommendation concerning designation to the Indiana General Assembly within 6 months after receipt.

Existing Rule Consistency with SEA 431

SEA 431, SECTION 25 subsection (d); Noncode

Effective March 17, 2000

Expires on the earlier of January 1, 2001 or the effective date of the rule amendments adopted by the Water Pollution Control Board

- Any rule adopted by the Water Pollution Control Board before March 17, 2000 is void to the extent that it is inconsistent with SECTION 25 of SEA 431, or requires protection of waters beyond the protection required by 327 IAC 2-1-2(1) and 327 IAC 2-1-2(2).

Rulemaking Directive

SEA 431, SECTION 25 subsection (e); Noncode

Effective March 17, 2000

Expires on the earlier of January 1, 2001 or the effective date of the rule amendments adopted by the Water Pollution Control Board

- Before January 1, 2001, the Water Pollution Control Board is required to amend 327 IAC 2-1-2 (nondegradation), 327 IAC 2-1-6 (water quality), and 327 IAC 2-1.5-4 (Great Lakes system antidegradation) to reflect SEA 431.

Quality Assurance Program Plan and Information Management System

SEA 431, SECTION 26 subsections (b), (c) and (d); Noncode

Effective March 17, 2000

Expires October 1, 2002

- Before July 1, 2001, IDEM must develop and maintain a Quality Assurance Program Plan and Information Management System to assess the validity and reliability of the data used in the implementation of IC 13-18-2-3 (list of impaired water bodies), and IC 13-18-3-2 (outstanding resource waters).
- IDEM must make data from the information management system available to the public upon request and may charge a reasonable fee to persons requesting the data.
- IDEM must use the data from the information management system to review the data as of January 1, 2002, supporting:
 - 1) the listing of impaired waters under IC 13-18-2-3; and
 - 2) the special designation of waters under IC 13-18-3-2.

Water Data Task Force

SEA 431, SECTION 26 subsections (e) and (f); Noncode

Effective March 17, 2000

Expires October 1, 2002

- Before July 1, 2000, the Environmental Quality Service Council shall appoint a Water Data Task Force to assess the program resource needs of IDEM to collect adequate physical, chemical, and biological data used by IDEM. The task force shall present its findings to the Environmental Quality Service Council upon completion.
- The Water Data Task Force appointed shall include 4 members of the Indiana General Assembly, the chairperson of the Environmental Quality Service Council, and representatives of the following: the academic community in the disciplines of biology, chemistry, and hydrology; IDEM; IDNR; the U.S. Geological Survey; private chemical water testing laboratories; industry; agriculture; environmental advocacy organizations; general citizens; municipalities; the Water Pollution Control Board; local public health officials; the State Department of Health; and the U.S. Fish and Wildlife Service.

WASTEWATER TREATMENT PLANT NOTIFICATION TO IDEM OF A CONTAMINANT

HEA 1343, SECTION 3; Adds IC 13-18-12-8

Effective March 16, 2000

- If a publicly owned treatment works (POTW) permittee:
 - 1) determines that an upset has occurred in the POTW that is likely to pose a threat to human or animal life; or
 - 2) has knowledge of an imminent threat from a chemical or other release to the collection system that is likely to cause an upset in the POTW that is likely to pose a threat to human or animal life;the permittee shall notify emergency response personnel of IDEM not more than 2 hours after the determination or the acquisition of knowledge of an imminent threat.
- If IDEM receives notification from a POTW permittee, IDEM:
 - 1) must notify all appropriate state and local government agencies;
 - 2) may provide technical assistance to the POTW as IDEM determines is necessary; and
 - 3) must notify the affected news media, if IDEM determines that there is or may be a threat to human health or animal life;not more than 48 hours after receiving the notification.

HEA 1343, SECTION 1; Adds IC 13-11-2-177.5

Effective March 16, 2000

- “Publicly owned treatment works” is defined.

HEA 1343, SECTION 2; Adds IC 13-11-2-242.3

Effective March 16, 2000

- “Upset” is defined.

WHITE RIVER FISH KILL REPORT

HEA 1343, SECTION 6; Noncode

Effective March 16, 2000

- IDEM must prepare a report that includes the following:
 - 1) A comprehensive and detailed report that describes plans for restoration of the White River.
 - 2) IDEM’s recommendations for changes in statutes, rules, or procedures and practices of IDEM to reduce the probability of contamination events and improve the timeliness and efficiency of protocols and procedures for notice to affected entities if such an event occurs in the future.
 - 3) A complete list of all events of contamination of waters of the state that occurred after December 31, 1994, in which fish or other aquatic species were killed and in which civil penalties were imposed. The following information must be included:
 - A) A description of the contamination event.
 - B) The date the contamination event occurred.
 - C) The entity on which the civil penalty was imposed.
 - D) The total amount of the civil penalty imposed.
- Before November 30, 2000, IDEM must deliver the report to:
 - 1) Members of the Legislative Council.
 - 2) The Environmental Quality Service Council.
 - 3) The Governor.

- 4) The Lieutenant Governor.
- The Environmental Quality Service Council shall study the report and make recommendations to the Indiana General Assembly before January 1, 2002.

NOTICE OF A HEARING FOR THE ESTABLISHMENT OF REGIONAL WATER, SEWAGE, AND SOLID WASTE DISTRICTS

HEA 1248, SECTION 1; Amends IC 13-26-2-6

Effective March 16, 2000

- The noticing requirements of a hearing for establishing regional water, sewage, or solid waste districts that the hearing officer is responsible for making a reasonable effort to provide are expanded as follows:
 - 1) The number of newspapers in which a notice must be published is increased from 1 to 2 newspapers of general circulation in each of the counties, in whole or in part, in the district.
 - 2) The number of times a notice must appear in the newspapers is increased from 1 time to 2 times each week for two consecutive weeks.
 - 3) At a minimum, the notice must include a legal notice and a 3 inch by 5 inch advertisement.
 - 4) Notice by certified mail is expanded to the fiscal and executive bodies of each county with territory in the proposed district, all other eligible entities with territory in the proposed district, and the state and any of its agencies owning, controlling, or leasing land within the proposed district (excluding highways and public thoroughfares owned or controlled by INDOT).
 - 5) The hearing officer must make a reasonable effort to provide notice of the hearing to each freeholder within the proposed district by regular U.S. mail, postage prepaid, mailed at least 2 weeks before the hearing.
 - 6) The notice must include the date of the hearing and a brief description of the subject of the petition, including a description of the general boundaries of the area to be included in the proposed district, and the location where copies of the petition are available for viewing.

** Note that House Resolution 102, regarding the establishment of a Regional Water and Sewer Districts Study Committee, was introduced but was not adopted. Please refer to page 24 of this summary for more information.*

INDIANA LAKES MANAGEMENT WORK GROUP

SEA 46, SECTION 1; Noncode

Effective March 15, 2000

Expires July 1, 2002

- The Indiana Lakes Management Work Group is re-established. The activities of the work group shall be directed to problems and issues associated with public freshwater lakes in Indiana. *The work group was originally formed in 1997 to develop solutions for the problems affecting public freshwater lakes in Indiana. The work group made recommendations in its final report in 1999 and expired on January 1, 2000.*
- The work group is directed to do the following:
 - 1) Monitor, review, and coordinate the implementation of the work group's recommendations issued in 1999.
 - 2) Facilitate collaborative efforts among commonly affected state, county, and local governmental entities in cooperation with lake residents and related organizations.
 - 3) Conduct public meetings to hear testimony and receive written comments concerning the

- implementation of the work group's recommendations.
- 4) Develop proposed solutions to problems concerning the implementation of the work group's recommendations.
- 5) Issue reports to the Natural Resources Study Committee when directed to do so.
- 6) Review all funding that is currently being utilized for Indiana's waterways, including potential sources that could be used as a resource for the Indiana General Assembly to correct funding problems.
- The commissioner of IDEM, or the commissioner's designee, is one of 26 members of the work group.
- The work group will be under the direction of IDNR.
- The work group must issue an interim report before July 1, 2001, and a final report before July 1, 2002.

PUBLIC FRESHWATER LAKES

SEA 44, SECTION 1; Adds IC 14-26-2-23

Effective July 1, 2000

- The Natural Resources Commission is directed to adopt rules to do the following:
 - 1) Assist in the administration of the lake preservation laws of IC 14-26-2.
 - 2) Provide objective standards for licensing the placement of a temporary or permanent structure or material, or the extraction of material, over, along, or within a shoreline or waterline. The standards must exempt any class of activities from licensing if the Natural Resources Commission finds that the class is unlikely to pose more than a minimal potential for harm to the public rights described in IC 14-26-2-5.
 - 3) Establish a process for the mediation of disputes among riparian owners or between a riparian owner and IDNR concerning the usage of an area over, along, or within the shoreline or waterline.

WATER UTILITY SERVICE EXTENSIONS

SEA 490, SECTION 2; Adds IC 8-1-32

SEA 490, SECTION 3; Noncode

Effective July 1, 2000

- If a health agency (the State Department of Health or a local health department) determines that an area that is located within a city, or within a county having a consolidated city (Marion County):
 - 1) is served by private water wells;
 - 2) suffers from a health hazard due to the presence of at least one contaminant; and
 - 3) incorporates at least a portion of at least one census tract or block having a median household income of less than 200% of the most recently determined federal income poverty level;
 the health agency may direct the nearest public utility that is authorized to provide water utility service within the municipality to provide to the Indiana Utility Regulatory Commission (IURC) an estimate of the cost of extending water utility service to the subject area.
- The IURC shall direct the local public utility to extend service to the subject area only if both of the following apply:
 - 1) The IURC's order authorizes an increase in the local public utility's water rates in an amount sufficient to cover the local public utility's depreciation expense related to its investment in the project and provide the local public utility an after-tax return on the

undepreciated portion of the project at a rate not less than the rate of return allowed the local public utility on its rate base in its most recent general rate order as set out in the order, or stipulated by the local public utility and the Office of the Utility Consumer Counselor (OUCC).

- 2) The rate adjustment associated with the project will not increase the local public utility's rates by more than 1%.
- A rate adjustment is not considered as a general increase in the local public utility's basic rates and charges and may be further adjusted by the IURC to reflect actual project costs upon petition by the local public utility or the OUCC.
 - If the IURC orders a project, the health agency shall require owners of properties in the subject area to connect those properties to a project main and to abandon and plug their existing wells.

Resolutions That Were Not Adopted

A resolution is used to express the sentiment of the House and/or Senate. It does not have the effect of law. Note that although the following resolutions were not adopted by the House and/or Senate, they still may be acted upon.

ALL PROGRAMS:

ECONOMIC ANALYSES AND RISK ASSESSMENTS REGARDING ENVIRONMENTAL RULES

Senate Concurrent Resolution (SCR) 16

- The Indiana General Assembly deems it necessary and proper to consider the feasibility of appointing a third party entity to perform all economic analyses and risk assessments regarding state environmental rules, as well as to institute regulatory reforms to reduce requirements for reporting, record keeping, and issuance of permits.
- The focus of regulatory reform should also be extended to correcting IDEM's practice of adopting nonrule interpretations of ambiguous rules and changing long-standing interpretations of rules, and instead require formal rule revisions involving stakeholder participation.
- The Secretary of the Senate is directed to transmit a copy of this resolution to the Environmental Quality Service Council and the Legislative Council.

RENAISSANCE ZONES

Senate Resolution (SR) 12

- The Legislative Council is urged to establish an interim study committee on the desirability and feasibility of establishing Renaissance Zones within the state.
- The committee shall issue a report on or before November 1, 2000.

AIR PROGRAM:

MERCHANT POWER PLANTS

House Concurrent Resolution (HCR) 81

(Note that Senate Concurrent Resolution (SCR) 34 on merchant power plants was adopted.)

- The Legislative Council is urged to require the Regulatory Flexibility Committee to study the topic of merchant power plants. The Regulatory Flexibility Committee shall study the following issues related to merchant power plants:
 - 1) Local zoning.
 - 2) Regulation by the Indiana Utility Regulatory Commission and other state agencies, including certificates of need.
 - 3) Public input into siting of merchant power plants.
 - 4) Environmental impact issues.
 - 5) Tax abatement and other tax issues.
 - 6) The need for additional electrical capacity.
 - 7) How the establishment of merchant power plants affects utility rates.

- 8) How the establishment of merchant power plants affects community cohesion and quality of life.
 - 9) Any public health issues or concerns resulting from the establishment of merchant power plants.
 - 10) Any other issues the committee considers relevant to the establishment of merchant power plants.
- The Regulatory Flexibility Committee shall issue a final report containing its findings or recommendations to the Legislative Council not later than November 1, 2000.

WATER PROGRAM:

REGIONAL WATER AND SEWER DISTRICTS STUDY COMMITTEE

House Resolution (HR) 102

- The Legislative Council is urged to establish an interim study committee to study regional water and sewer districts. If established, the committee shall operate under the direction of the Legislative Council. The committee shall issue a final report when directed to do so by the Legislative Council.

REVIEW OF LAKE MANAGEMENT PROGRAMS

Senate Concurrent Resolution (SCR) 9 and SCR 26

- The Governor is urged to issue an executive order or other appropriate directive instructing the appropriate state agencies (IDEM, IDNR, ISDH) to review thoroughly all the various lake management and lake protection programs and responsibilities, with the intent of consolidating programs, projects, and personnel, where appropriate, into one identifiable lake management unit within an existing agency of government.
- The Governor is urged to invite a reasonable number of concerned citizens to participate in the review undertaken in response to the governor's order or directive.

Table of 2000 Legislation that Affects IDEM (by Enrolled Act Number)

Enrolled Act #	Subject(s)	Synopsis	Effective Date(s)
SEA 12	Technical Corrections	Seven technical corrections were made that affect IDEM.	3/15/00
SEA 44	Public Freshwater Lakes	The Natural Resources Commission is directed to adopt rules to do the following: 1) Assist in the administration of the lake preservation laws of IC 14-26-2; 2) Provide objective standards for licensing the placement of a temporary or permanent structure or material, or the extraction of material, over, along, or within a shoreline or waterline; and 3) Establish a process for the mediation of disputes among riparian owners or between a riparian owner and IDNR concerning the usage of an area over, along, or within the shoreline or waterline.	7/1/00
SEA 46	Lakes Management Work Group	The Indiana Lakes Management Work Group is re-established. The activities of the work group will be directed to problems and issues associated with public freshwater lakes in Indiana. The work group must issue an interim report before July 1, 2001, and a final report before July 1, 2002.	3/15/00
SEA 262	Off-Site Access to a Spill or Release from an Underground Storage Tank	Before September 1, 2000, IDEM must develop a nonrule policy document to address the circumstances in which a spill or release from an underground storage tank may have migrated off-site.	3/17/00
SEA 317	Drinking Water Operator Certification	Operators of community water systems and nontransient noncommunity water system are required to be certified by IDEM. The number of years that a certificate is renewed for a water treatment plant operator or a water distribution system operator is extended from 2 years to 3 years. Continuing education hours must be met in order to receive a renewal certificate. Current operators are grandfathered until August 31, 2002, as long as specified conditions are met.	9/1/00

SEA 372	Special Waste and Industrial Waste	<p>“Industrial waste” is created as a new waste category. The term “industrial water” replaces “special waste”. The “special waste” category is eliminated. An industrial waste may be disposed of only at a solid waste landfill cell or unit that meets or exceeds Subtitle D design standards or in a waste-to-energy facility in accordance with the facility operating permit. There are two exceptions to this requirement. A generator of industrial waste must perform a waste determination. Before a generator first disposes of industrial waste, the person must provide the landfill with notification that the waste is not hazardous and identify any special handling requirements.</p>	7/1/00
SEA 431	Combined Sewers and Water Quality Standards	<p>A long term control plan fulfills the water quality goals of the state with respect to wet weather discharges that are a result of overflows from the combined sewer system if specified conditions are met. Designated uses and associated water quality criteria are temporarily suspended on a site specific basis for waters affected by discharges from combined sewer overflow (CSO) points listed in the NPDES permit due to wet weather events if an approved long-term control plan is implemented and other requirements are satisfied. IDEM may issue NPDES permits containing conditions that include alternate water quality based effluent limits. The Water Pollution Control Board must adopt a rule before September 1, 2001, establishing requirements for community notification by NPDES permit holders of the potential health impact of CSOs. Before October 1, 2000, IDEM must provide guidance to all CSO communities explaining the requirement of the use attainability analysis and the long term control plan to aid communities in determining how to comply with the requirements.</p>	3/17/00
	Water Body Designations and Water Quality	<p>IDEM is required to prepare a list of impaired waters, with public input, for purposes of complying with the Clean Water Act. Before October 1, 2003, the Water Pollution Control Board must establish policies and rules to govern the implementation of TMDL requirements of the Clean Water Act. Before July 1, 2000, IDEM must appoint a working group to consider and make recommendations on the implementation of maximum daily load requirements. Procedures for designating outstanding state and national resource waters are provided. For a water body designated as an outstanding state resource water, the board shall provide by rule, procedures that will prevent degradation, and allow for increases and additions in pollutant loadings from an existing or new discharge. The Outstanding State Resource Improvement Fund is established. Before July 1, 2001, IDEM must develop and maintain a Quality Assurance Program Plan and Information Management System to assess the validity and reliability of data. Before July 1, 2000, the EQSC shall appoint a Water Data Task Force to assess the program resource needs of IDEM to collect adequate physical, chemical, and biological data used by IDEM.</p>	3/17/00 & 7/1/00

SEA 490	Water Utility Service Extensions	If a health agency determines that an area that is located within a city, or within a county having a consolidated city (Marion County): 1) is served by private water wells; 2) suffers from a health hazard due to the presence of at least one contaminant; and 3) incorporates at least a portion of at least one census tract or block having a median household income of less than 200% of the most recently determined federal income poverty level; then the IURC may direct the nearest public utility to extend water utility service to that area.	7/1/00
SEA 511	Hazardous Waste Manifests and Annual Reports	Generators are directed to use the federal, rather than the state, hazardous waste manifest form. The state manifest fee is eliminated. The manifest form will no longer be required to be submitted to IDEM. Annual reports that summarize hazardous waste shipments during the previous calendar year must be submitted to IDEM before March 1 of each year. The first report must be submitted before March 1, 2002.	1/1/01 & 1/1/02
HEA 1008	Additional Power of the Vanderburgh County Solid Waste Management District	The Vanderburgh County Solid Waste Management District is granted the additional power to make grants or loans of money, property, or services to a public or private program to plant or maintain trees in an area of the district that is a right-of-way, public property, or vacant property.	7/1/00
HEA 1248	Regional Water and Sewer Districts	The noticing requirements of a hearing for establishing regional water, sewage, or solid waste districts that the hearing officer is responsible for making a reasonable effort to provide are expanded.	3/16/00
HEA 1343	Air Pollution Permitting Exemptions	326 IAC 2-1.1-3(b) on air permitting exemptions is void.	3/16/00
	White River Fish Kill Report	Before November 30, 2000, IDEM must prepare a report that includes the following: 1) A comprehensive and detailed report that describes plans for restoration of the White River; 2) IDEM's recommendations for changes in statutes, rules, or procedures and practices of IDEM to reduce the probability of contamination events and improve the timeliness and efficiency of protocols and procedures for notice to affected entities if such an event occurs in the future; and 3) A complete list of all events of contamination of waters of the state that occurred after Dec. 31, 1994, in which fish or other aquatic species were killed and in which civil penalties were imposed.	3/16/00
	Wastewater Plant Notification to IDEM of a Contaminant	If a POTW permittee: 1) determines that an upset has occurred; or 2) has knowledge of an imminent threat from a chemical or other release to the collection system that is likely to cause an upset in the POTW that is likely to pose a threat to human or animal life; the permittee shall notify IDEM within 2 hours. If IDEM receives notification from a POTW permittee, IDEM: 1) must notify all appropriate state and local government agencies; 2) may provide technical assistance to the POTW as IDEM determines is necessary; and 3) must notify the affected news media; not more than 48 hours after receiving the notification.	3/16/00

HEA 1343 (continued)	Criminal Fines for Environmental Offenses	The fines are doubled for being convicted of a Class D felony for violating environmental laws.	7/1/00
HEA 1395	Uniform Electronic Transactions Act	Procedures for conducting electronic transactions of electronic records and electronic signatures are provided.	7/1/00

Note that resolutions do not have the effect of law. They are used to express the sentiment of the House and/or Senate.

*** Note that although a resolution was not adopted, it still may be acted upon.**

Resolution #	Subject	Synopsis	Resolutions do not go to the Governor for signature or have an effective date
SCR 9	Review of Lake Management Programs	The Governor is urged to issue an executive order or other appropriate directive instructing the appropriate state agencies (IDEM, IDNR, ISDH) to review all the various lake management and lake protection programs and responsibilities with the intent of consolidating programs, projects, and personnel, where appropriate, into one identifiable lake management unit within an existing agency of government.	*
SCR 16	Economic Analyses and Risk Assessments Regarding Environmental Rules	The IGA deems it necessary and proper to consider the feasibility of appointing a third party entity to perform all economic analyses and risk assessments regarding state environmental rules, as well as to institute regulatory reforms to reduce requirements for reporting, record keeping, and issuance of permits.	*
SCR 26	Review of Lake Management Programs	The Governor is urged to issue an executive order or other appropriate directive instructing the appropriate state agencies (IDEM, IDNR, ISDH) to review all the various lake management and lake protection programs and responsibilities with the intent of consolidating programs, projects, and personnel, where appropriate, into one identifiable lake management unit within an existing agency of government.	*
SCR 34	Merchant Power Plants	The Legislative Council is urged to require the Regulatory Flexibility Committee to study the topic of merchant power plants.	Adopted

SR 12	Renaissance Zones	The Legislative Council is urged to establish an interim study committee on the desirability and feasibility of establishing Renaissance Zones in Indiana.	*
HCR 81	Merchant Power Plants	The Legislative Council is urged to require the Regulatory Flexibility Committee to study the topic of merchant power plants.	*
HR 102	Regional Water and Sewer Districts Study Committee	The Legislative Council is urged to establish an interim study committee to study regional water and sewer districts.	*

OUTLINE OF TECHNICAL CORRECTIONS IN SEA 12 THAT AFFECT IDEM

Note: All of the following technical corrections are effective March 15, 2000.

All Permitting Programs:

- Revocation or modification of permits
SECTION 36; Amends IC 13-15-7-1
Removes a reference to “section 5 of this chapter” since there is no section 5 in IC 13-15-7. The reference to section 5 is a result of an earlier version of HEA 1919.

Air Program:

- Lake County Transportation Authority
SECTION 85; Amends IC 36-9-3-5
Inserts the correct population parameters for the town of Winfield in Lake County.
- Lake County Transportation Authority Citizens Advisory Council
SECTION 86; Amends IC 36-9-3-12.5
Inserts the correct population parameters for the town of Winfield in Lake County.

Land Program:

- Definition of “landfill”
SECTION 34; Amends IC 13-11-2-116
Replaces “IC 13-11-2-114.2” with “section 114.2 of this chapter” and replaces “IC 13-11-2-82” with “section 82 of this chapter” to conform with LSA style.
- Foundry Sand
SECTION 37; Amends IC 13-19-3-7
Deletes the term “in” to correct the grammar.

Pollution Prevention Program:

- Clean Manufacturing Technology and Safe Materials Institute
SECTION 89; Amends P.L. 224-1999, SEC. 21.
Adds “and Safe Materials” to correct the name to the two references to the “Clean Manufacturing Technology and Safe Materials Institute”.

Water Program:

- Definition of “public water system”
SECTION 35; Amends IC 13-11-2-177.3
Reconciles a conflict in language from when the printer failed to incorporate the technical correction to acknowledge and reconcile the SEA 551 version of the definition of “public water system” into HEA 1687 from the 1999 legislative session. The correct definition reads: “Public water system”, for purposes of this chapter and IC 13-18-21, has the meaning set forth in 42 U.S.C. 300f.

How To Properly Reference State Legislation

Most of the time, you will probably reference just the Indiana Code (IC) citation, for example *IC 13-18-11*, but sometimes you may want to indicate which enrolled act the provision came from and what year it was passed, especially for noncode provisions.

There are various ways you can properly reference an enrolled act:

- 1) You can use the Senate Enrolled Act (SEA) number or House Enrolled Act (HEA) number as long as you include the year it passed, for example:

SEA 317, passed in 2000

You must include the year it passed because the enrolled act numbers are reused every year for different pieces of legislation.

- 2) You can use the public law (P.L.) number that corresponds with the enrolled act number, for example:

P.L.132-2000

The public law number already indicates the year the legislation passed so you do not need to repeat it.

- 3) You can use a combination of the enrolled act number and the public law number, for example:

SEA 317 (P.L.132-2000)

** Remember: Once legislation becomes a law, it is **no longer referred to as a “bill”**. It becomes an enrolled act.*

Table of Enrolled Act Numbers to Public Law Numbers for 2000

Enrolled Act #:	Public Law #:	Enrolled Act #:	Public Law #:
SEA 12	P.L.14-2000	HEA 1008	P.L.98-2000
SEA 44	P.L.64-2000	HEA 1248	P.L.106-2000
SEA 46	P.L.65-2000	HEA 1343	P.L.112-2000
SEA 262	P.L.129-2000	HEA 1395	P.L.62-2000
SEA 317	P.L.132-2000		
SEA 372	P.L.138-2000		
SEA 431	P.L.140-2000		
SEA 490	P.L.94-2000		
SEA 511	P.L.143-2000		

* Note that resolutions do not have public law numbers.

How to Find The Most Current Version Of A Law In The Indiana Code After the 2000 Legislative Session

Now that the 2000 legislative session is over and new legislation has passed, we need to make sure we are using the most current version of a law.

All of Indiana Code Title 13 is also available on the Internet at: <http://www.state.in.us/legislative/ic/code/title13/>
The site is maintained by the Indiana Legislative Services Agency.

When Using the “Indiana Code” Books (the red hard-covered books):

Version #1: To be used until the 2000 supplement to the Indiana Code is published

You will need to look in THREE places: the 1998 edition of the Indiana Code, the 1999 supplement to the Indiana Code, and the 2000 enrolled acts.

- 1st Look up the citation of the law in the 1998 edition of the Indiana Code, for example *IC 13-18-11*.
- 2nd Look up the same citation in the 1999 supplement to the Indiana Code. If that citation is there, then the 1999 version supersedes the 1998 version. If that citation is not there, then nothing was passed in 1999 that amends that citation.
- 3rd Look at the “2000 Legislative Summary for the Indiana Department of Environmental Management” to see if any enrolled acts were passed in the 2000 session that are related to the citation you are looking up. The versions in the 2000 enrolled acts supersede the 1998 edition and 1999 supplement.

Version #2: To be used after the 2000 supplement to the Indiana Code is published

You will need to look in TWO places: the 1998 edition of the Indiana Code plus the 2000 supplement to the Indiana Code. You will no longer need to look at the enrolled acts, except for noncode provisions.

- 1st Look up the citation of the law in the 1998 edition of the Indiana Code, for example: *IC 13-18-11*.
- 2nd Look up the same citation in the 2000 supplement of the Indiana Code. If that citation is there, then the 2000 version supersedes the 1998 version. If that citation is not there, then nothing was passed in 1999 or 2000 that amends that citation. Since the 2000 supplement is cumulative (contains 1999 and 2000 legislation), you will no longer need to look at the 1999 supplement.

Note: The 1998 *edition* of the Indiana Code is a comprehensive collection of all laws from the 1998 legislative session and earlier. The 2000 *supplement* to the Indiana Code is a collection of new laws and amendments to existing laws from bills that were passed in the 1999 and 2000 legislative sessions. The 1998 edition plus the 2000 supplement together make-up the current set of Indiana laws. Noncode provisions (those with no IC citation) will not appear in the Indiana Code books but can be found in the enrolled acts, the Indiana Acts, and the Indiana Environmental Statutes book.

When Using the “Indiana Environmental Statutes” Book (the soft-covered book published by IDEM):

Version #1: To be used until the 2000 edition is published

You will need to look in TWO places: the 1999 edition plus the 2000 enrolled acts.

- 1st Look up the citation of the law in the 1999 edition, for example *IC 13-18-11*.
- 2nd Look at the “2000 Legislative Summary for the Indiana Department of Environmental Management” to see if any enrolled acts were passed in the 2000 session that are related to the citation you are looking up. The versions in the 2000 enrolled acts supersede the 1999 edition.

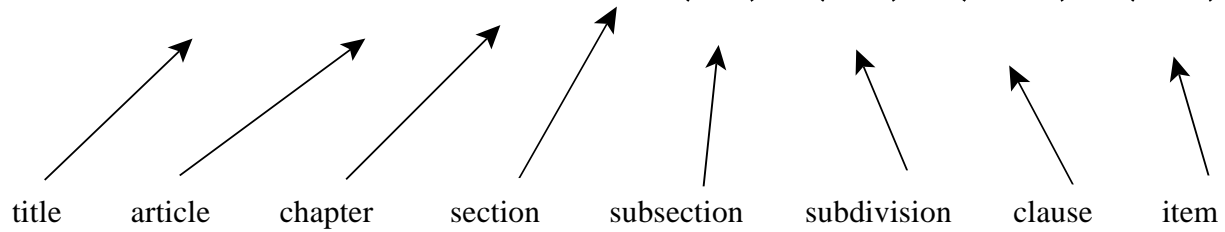
Version #2: To be used after the 2000 edition is published

You will need to look in only ONE place: the 2000 edition of the “Indiana Environmental Statutes”. You will no longer need to look at the 1999 edition or the enrolled acts. Noncode provisions are included.

The Indiana Code (IC) Citation Scheme

EXAMPLE:

IC 13-14-9-8(a)(1)(A)(ii)



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|              |                                                                                        |
|--------------|----------------------------------------------------------------------------------------|
| TITLE:       | TITLE 13. ENVIRONMENT                                                                  |
| ARTICLE:     | ARTICLE 14. POWERS AND DUTIES OF THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT AND BOARDS |
| CHAPTER:     | Ch. 9. Rulemaking Procedures                                                           |
| SECTION:     | Sec. 8. Waiver of both first and second public comment periods                         |
| SUBSECTION:  | (a)                                                                                    |
| SUBDIVISION: | (1)                                                                                    |
| CLAUSE:      | (A)                                                                                    |
| ITEM:        | (ii)                                                                                   |